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July 9, 2024

VIA email

The Honorable Tonianne J. Bongiovanni, U.S.M.J.
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Lasche v. State of New Jersey, et al.*
Civil Action No. 3:18-cv-17552

Dear Judge Bongiovanni:

This office represents Defendants the State of New Jersey, the New Jersey Department of Children and Families, Kyle Higgins, Mary Lippencot, Katie Epperly, Janelle Clark and Christine Norbut Beyer ("State Defendants") in the above-captioned matter.

On June 17, 2024, Your Honor entered a text order, post-conference, advising the Court would provide State Defendants with the documents the Court determined are relevant to settlement discussions. ECF No. 89. The Court advised that State Defendants would have three weeks from the date of receipt to provide the documents to Plaintiffs' counsel or provide a letter to the Court with objections to the production. *Id.* After reviewing the documents, State Defendants do not have further objections at this time.

However, State Defendants respectfully request that their motion to dismiss be reinstated at this time. The Court administratively terminated the motion to dismiss in light of the ongoing settlement discussions. ECF No. 70. The Court further noted that the motion to dismiss would be reinstated upon the Defendants' request in



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the event the matter does not settle. *Id.* It has been approximately one year since the motion to dismiss was terminated, the parties have not reached an agreement, and Defendants have now been require to produce documents, for all intents, being required to commence limited discovery, despite the pendency of a motion to dismiss large portions of Plaintiffs' claims, the granting of which might provide an impetus for renewed settlement discussions. Thus, State Defendants respectfully request that this Court relist their motion to dismiss as a decision may limit the issues and defendants in this matter.

Additionally, without prejudice to either side's legal positions in this lawsuit, State Defendants advise that they continue to be agreeable to providing Plaintiffs the opportunity to be evaluated by the Division to renew their license to become resource parents, if they so desire.

Thank you for Your Honor's time and consideration of this matter.

Respectfully submitted,

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY

By: /s/ Phoenix N. Meyers

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cc: Counsel of Record (via CM/ECF)